

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

JEROME YEARBY,

Plaintiff,

v.

COMMISSIONER, SSA,

Defendant.

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CIVIL ACTION NO. 6:21-CV-00503-  
JDK

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

On December 23, 2022, Plaintiff Jerome Yearby filed a motion for attorneys' fees under the Equal Access to Justice Act ("EAJA"). Docket No. 14. The Commissioner filed a response of non-opposition. Docket No. 17. The motion was referred to Judge Love for findings of fact and recommendation for disposition. Docket No. 15. On January 9, 2023, Judge Love issued a Report and Recommendation recommending that Plaintiff's motion be granted and that the Commissioner pay to Plaintiff the sum of \$8,480.00 in reasonable attorneys' fees under the EAJA and \$402.00 in costs. Docket No. 18. No objections to the Report were filed, and the time period for filing objections has passed.


Because objections to Judge Love's Report have not been filed, Plaintiff is barred from de novo review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of

the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

The Court has reviewed the filings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 18) is **ADOPTED**. Plaintiff's motion (Docket No. 14) is **GRANTED** and the Commissioner shall pay to plaintiff the sum of \$8,480.00 in fees pursuant to EAJA, 28 U.S.C. § 2412(d), and \$402.00 in costs, by making the payment payable to Plaintiff and sending the payment to Plaintiff's counsel.

So **ORDERED** and **SIGNED** this **25th** day of **January, 2023**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE